

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHN MCFADDEN : CIVIL ACTION  
                  :  
                  :  
V.               :  
                  :  
BIOMEDICAL SYSTEMS CORP. : NO. 13-4487

ORDER

AND NOW, this 9th day of January, 2014, upon consideration of the defendant's Partial Motion to Dismiss (Document No. 13), plaintiff's response (Document No. 14) and defendant's reply (Document No. 15), it is ORDERED that the motion is GRANTED IN PART and DENIED IN PART.

IT IS FURTHER ORDERED as follows:

1. To the extent the motion to dismiss seeks to dismiss plaintiff's ADA discrimination claim based on a record of disability, his claims for punitive and compensatory damages on his ADA retaliation claim, and his claims for punitive damages with respect to his PHRA claims, it is GRANTED.
2. Plaintiff's claims for discrimination based on a record of disability, punitive and compensatory damages on his ADA retaliation claim and punitive damages on his PHRA claims are DISMISSED.
3. In all other respects, the motion is DENIED.

/s/ Timothy J. Savage

TIMOTHY J. SAVAGE, J.